

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:14-CV-775-F

THE CINCINNATI INSURANCE)
COMPANY,)
))
Plaintiff,))
))
v.))
))
YOUNG CONSTRUCTION COMPANY,))
LLC, and THE TOWN OF WILLIAMSTON,))
NORTH CAROLINA,))
))
Defendants.))

ORDER

This matter is before the court on Defendant Young Construction Company, LLC's ("Young") Motion to Dismiss [DE-16] and Motion for Extension of Time to Respond to Plaintiff's Amended Complaint [DE-20]. For the following reasons, both motions are DISMISSED AS MOOT.

Under Federal Rule of Civil Procedure 15(a)(1), a party may amend its complaint as a matter of course within twenty-one days of a Rule 12(b) motion filed in response to the complaint. Young filed the present motion to dismiss on January 26, 2015. On February 11, 2015, only sixteen days later, Plaintiff The Cincinnati Insurance Company filed an Amended Complaint [DE-19]. Having reviewed the Amended Complaint, it appears to the court that the changes in the Amended Complaint appear to address the substance of Young's Motion to Dismiss [DE-16]. Furthermore, Young has filed an Answer to the Amended Complaint [DE-26]. Because the Amendment Complaint was timely filed, Young's Motion to Dismiss [DE-16] is DISMISSED AS MOOT. Young is welcome to file a new motion to dismiss if it wishes to do so.

As to the Motion for Extension of Time to Respond to Plaintiff's Amended Complaint [DE-20], the motion was never opposed and the defendant has long since filed an Answer to the Amended Complaint [DE-26]. Therefore, the Motion for Extension of Time to Respond to Plaintiff's Amended Complaint [DE-20] is DISMISSED AS MOOT.

Both Young's Motion to Dismiss [DE-16] and Motion for Extension of Time to Respond to Plaintiff's Amended Complaint [DE-20] are DISMISSED AS MOOT.

SO ORDERED.

This, the 18 day of August, 2015.



JAMES C. FOX
Senior United States District Judge